



**Duchesne County Planning, Zoning  
& Community Development**  
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**RECEIVED**  
**SEP 29 2009**  
DIV. OF OIL, GAS & MINING

September 28, 2009

Alan White  
PO Box 458  
Heber City, UT 84032-0458

RE: County Commission action on appeal of Conditional Use Permit

Dear Mr. White:

At the September 28, 2009 meeting of the Duchesne County Commission a public hearing was held to consider your appeal of the Planning Commission's approval of a conditional use permit requested by Nile Chapman Construction to extract earth products (gravel pit and rock crusher) on 40 acres of an 80-acre site owned by Whisper Canyon LC, located in the SE ¼ of the NW ¼ and the SW ¼ of the NE ¼ of Section 9, Township 1 South, Range 8 West, on the Tabby Swale Road northwest of Hanna.

After testimony and discussion, the Commissioners adopted findings to uphold the Planning Commission decision and approve the permit, subject to the following conditions:

1. Applicant shall control dust and noise so neither becomes a nuisance.
  - a. A dust control plan, approved by the TriCounty Health Department, shall be implemented throughout the course of the operations.
  - b. Applicant shall comply with the construction activity noise time limits of the Nuisance Ordinance if complaints are received about the 6:00 AM to 10:00 PM operating hours proposed.
2. Applicant shall maintain a reclamation bond in effect during the course of the mining operations. The bond shall name the County as a beneficiary to the level of at least \$5,000.00 for the first acre and \$3,000.00 per additional acre to be disturbed at any one time.
3. Applicant agrees to reclaim the site at the conclusion of mining operations in a manner acceptable to Duchesne County and the property owner pursuant to the "Material Pit Finishing" standards attached.
4. Applicant shall provide the county with a copy of the DEQ air quality permit for the crusher prior to operations at this site. The requirements of the DEQ air quality permit shall also be requirements of the Conditional Use permit.

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5. Applicant shall provide the county with a load rating analysis for the Tabby Swale Road Bridge over the Duchesne River prior to beginning mining operations. No mining operations shall commence until it is demonstrated by a registered professional engineer that the bridge can support normal loads associated with gravel transport trucks and trailers or until the bridge is upgraded to support such loads.
6. Prior to beginning mining operations, Applicant shall enter into an agreement with the Duchesne County Road Department to ensure that the Tabby Swale Road is improved to safely accommodate gravel truck traffic and maintained in a condition acceptable to the Duchesne County Public Works Director during the course of operations.

Decisions of the Duchesne County Commissioners can be appealed to District Court within thirty (30) days.

If you have any questions regarding this letter, please contact this office.

Sincerely,



Mike Hyde, AICP  
Community Development Administrator

pc: Nile Chapman Construction, PO Box 98, Roosevelt, UT 84066-0098  
Scott Hacking, Utah DEQ, 281 E 200 North, Roosevelt, UT 84066  
Darrin Brown, Tri County Health Dept., 133 S 500 East, Vernal, UT 84078  
Leslie Heppler, Div. Of Oil, Gas & Mining, P.O. Box 145801, Salt Lake City, UT 84114  
Linda Watson, 42386 W Tabby Swale Road, Hanna, UT 84031  
Rick Stott, HC 63, Box 336, Hanna, UT 84031  
Carl Armknecht, 4504 Abinadi Road, Salt Lake City, UT 84124  
Parley Turnbow, Big Rock Enterprises, 10877 S Clear Creek Drive, Sandy, UT 84070  
Burnell Turnbow, PO Box 314, Tabiona, UT 84072-0314  
Craig Evans, 4347 Walter Court, West Valley City, UT 84120  
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Travis Iverson, PO Box 343, Tabiona, UT 84072-0343  
Luke Defa, PO Box 335, Tabiona, UT 84072-0335  
Glen Murphy, Public Works Director